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Scranton, Pa 18505
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COMPLAINT

PARTIES

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4. Defendant, Juan C. Martinez, upon information and belief, is a competent adult individual and citizen of the State of New Jersey with an address of 162 Main Street, Apartment 1, South River, New Jersey 08882.

JURISDICTION AND VENUE

5. The amount in controversy in this matter exceeds the sum or value of Seventy-Five Thousand (\$75,000.00) Dollars.

6. This court has jurisdiction over this matter pursuant to 28 U.S.C. §1332(a)(1) because the matter in controversy exceeds the sum or value of Seventy-Five Thousand (\$75,000.00) Dollars and is between citizens of different states.

7. Venue is proper pursuant to 28 U.S.C. §1391(b) as Plaintiffs reside within the middle district of Pennsylvania.

FACTUAL ALLEGATIONS

8. At all times pertinent hereto, upon information and belief Defendant, Juan C. Martinez, was the agent, servant, workman, contractor, and/or employee of Defendant, Modern Arch Management Corp., and was acting within the course and scope of his agency and/or employment.

9. At all times pertinent hereto, upon information and belief, Defendant, Modern Arch Management Corp., was the owner of a 2015 Ford Transit, bearing New Jersey license plate number XKJT58, operated by Defendant, Juan C. Martinez.

10. On or about May 15, 2022, Plaintiff, Albert Lawrence, was operating a 2019 Subaru Outback, Pennsylvania license plate number KZT4448.

11. At all times material hereto Plaintiff, Patrice Lawrence, was a passenger in the vehicle being driven by her husband, Albert Lawrence, bearing Pennsylvania license

plate number KZT4448.

12. On the aforementioned date, at approximately 7:00 p.m., the Plaintiffs were travelling South on Easton Avenue in Franklin Township, Somerset County, New Jersey and came to a complete stop at a steady red traffic signal at the intersection of Easton Avenue and Demott Lane.

13. The aforementioned vehicle being operated by the Plaintiffs was lawfully stopped at a steady red traffic signal at the aforementioned intersection.

14. On the aforementioned date and time Defendant, Juan C. Martinez, while operating the aforementioned Ford Transit van, during the course and scope of his employment with Modern Arch Management Corp., proceeding south on Easton Avenue behind the Subaru Outback being operated by the Plaintiff, Albert Lawrence.

15. Defendant Martinez operated the aforementioned Ford Transit van in such a negligent, reckless, and careless manner that he failed to properly stop his vehicle before bringing the front of his vehicle into forceable and violent contact with the rear of Plaintiffs' vehicle.

16. As a direct and proximate result of the negligent, careless, gross wanton, and reckless conduct of the Defendants, as hereinafter set forth more fully at length, the Plaintiff, Patrice Lawrence, suffered the following injuries:

- a. Injury to the cervical, thoracic and lumbar spine.
- b. Bilateral shoulder injury;
- c. Muscle spasms.

17. As a direct and proximate result of the negligence, careless, gross wanton, and reckless conduct of the Defendants as hereinafter set forth more fully Plaintiffs suffered severe physical and mental pain and suffering.

18. As a result of the aforesaid injuries and the natural consequences thereof, Patrice Lawrence sustained a loss of the everyday pleasures and enjoyments of life and may continue to suffer the same indefinitely.

19. As a result of the aforesaid injuries and the natural consequences thereof, Patrice Lawrence suffered embarrassment and humiliation and may continue to suffer the same indefinitely.

20. As a result of the aforesaid injuries and the natural consequences thereof, Patrice Lawrence has been obligated to expend various sums of money and incur various expenses for medical treatment and may be obligated to do the same indefinitely.

21. As a result of the aforesaid injuries and the natural consequences thereof, Patrice Lawrence has sustained an impairment of her earning capacity/potential.

COUNT I

NEGLIGENCE

PATRICE LAWRENCE vs. ALL DEFENDANTS

22. Plaintiff, Patrice Lawrence, incorporates herein by reference the above paragraphs as if the same were fully set forth herein at length.

23. The careless, negligent, and reckless conduct of the Defendant, Juan C. Martinez, individually and as the agent, servant, workman, or employee of Defendant, Modern Arch Management Corp., vicariously, which caused Plaintiff, Patrice Lawrence,

serious injuries, consisted of the following:

- a. Failure to maintain proper and adequate control of his motor vehicle, causing it to violently strike the Plaintiffs' vehicle;
- b. Driving a vehicle in a careless manner;
- c. Failure to keep a proper and necessary lookout while operating a motor vehicle;
- d. Failure to be attentive while operating a motor vehicle;
- e. Failure to properly and timely apply the brakes of a motor vehicle;
- f. Failure to properly observe Plaintiffs' vehicle, which was lawfully on the roadway;
- g. Failure to give warning to Plaintiffs of the impending and foreseeable collision;
- h. Failure to take evasive actions so as to avoid the collision with Plaintiffs' vehicle;
- i. Violating Sections 39:4-97 of the Motor Vehicle Code of the State of New Jersey, which prohibits careless driving; and
- j. Failing to observe traffic patterns ahead of the unknown driver in the same direction.

24. As a direct and proximate cause this incident, Patrice Lawrence, sustained the following injuries:

- a. injury to the cervical, thoracic, and lumbar spine;
- b. bilateral shoulder injury;
- c. muscle spasms.

25. By reason of the above described collision, the Plaintiff sustained serious injuries as indicated above, some of which have and will continue to prevent her from pursuing and enjoying the usual activities of life for a person of her age and will suffer a loss of past and future enjoyment of life all of which is to her great detriment.

26. By reason of the above described collision, the Plaintiff has been compelled to spend money for medical treatment and will be required to do so indefinitely into the future.

27. By reason of the above described accident, the Plaintiff suffered physical pain and mental anguish, humiliation and embarrassment all of which continue into the present and will continue indefinitely into the future.

WHEREFORE, the Plaintiff, Patrice Lawrence, respectfully requests this Honorable Court to enter a judgment in her favor together with compensatory damages, costs of suit and such other relief as this Honorable Court deems just and proper.

COUNT II

LOSS OF CONSORTIUM

ALBERT LAWRENCE V. ALL DEFENDANTS

28. Plaintiff, Albert Lawrence, incorporates herein by reference the above paragraphs as if the same were fully set forth herein at length.

29. At the time of the aforementioned incident and continuing into the present, Albert Lawrence, was and remains married to Plaintiff, Patrice Lawrence.

30. As a result of the carelessness, negligence and reckless disregard of the Defendant, the Plaintiff, Albert Lawrence, has been deprived of the society, companionship, affection, joy, consortium and services of his spouse, Plaintiff, Patrice Lawrence, and may continue to be so deprived in the future.

WHEREFORE, the Plaintiff, Albert Lawrence, respectfully requests this Honorable Court to enter a judgment in his favor together with compensatory damages, costs of suit and such other relief as this Honorable Court deems just and proper.

O'Malley & Perry Law
Attorneys for Plaintiffs,
Patrice and Albert Lawrence

/s/ Michael P. Perry
By: _____
Michael P. Perry
I.D. No.: 36512

/s/ Matthew J. Perry
By: _____
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CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that requires filing confidential information and documents differently than non-confidential information and documents.

O'Malley & Perry Law

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